

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

John Turner,

Plaintiff

v.

Nevada Department of Corrections, et al.,

Defendants

2:13-cv-01740-JAD-VCF

**Order Finding that Appeal is Taken in  
Good Faith and that *in forma pauperis*  
Status Should Continue on Appeal**

As a pro se plaintiff who had been granted *in forma pauperis* status, John Turner sued High Desert State Prison, the Nevada Department of Corrections (NDOC), the Nevada Inmate Bank System, and the State of Nevada under 42 U.S.C. § 1983 for civil-rights violations stemming from the alleged theft from and overcharging of Turner's inmate trust account while he was incarcerated.<sup>1</sup> After two months of having documents that had been mailed to Turner returned to the court as undeliverable, I dismissed this case with prejudice under LSR 2-2 for his failure to keep the court apprised of his current address,<sup>2</sup> and the Clerk of Court entered judgment in favor of the defendants and against Turner.<sup>3</sup>

Five months later, Turner filed the first of three motions seeking relief from the judgment under FRCP 60(b).<sup>4</sup> I granted in part and denied in part Turner's motions for relief under FRCP 60(b), relieving Turner of the with-prejudice effect of the dismissal order, but otherwise leaving that order intact.<sup>5</sup> I did not state in that order whether Turner's *in forma pauperis* status should continue

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<sup>1</sup> ECF No. 15.

<sup>2</sup> ECF No. 189.

<sup>3</sup> ECF No. 190.

<sup>4</sup> ECF Nos. 194, 198, 205.

<sup>5</sup> ECF No. 213.

1 on appeal, and the Ninth Circuit has remanded for the limited purpose of having me determine  
2 whether that status should continue on appeal. I find that Turner's appeal is taken in good faith and  
3 that his IFP status should therefore continue on appeal.<sup>6</sup> Accordingly,

4 IT IS HEREBY ORDERED that Turner may proceed *in forma pauperis* on appeal.

5 Dated this 13th day of September

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Jennifer A. Dorsey  
United States District Judge

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28 <sup>6</sup> See *Hooker v. Am. Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).